

REMARKS

This amendment is in response to the Official Action mailed January 18, 2006. Claim 14 has been amended, and claims 13, 15, 20, 23-33, 39 and 43-49 have been cancelled. Therefore, claims 1-12, 14, 16-19, 21, 22, 34-38 and 40-42 remain currently pending in the present application.

As an initial matter, Applicants note that claims 13, 15, 20, 23-33, 39 and 43-49 have been cancelled in accordance with Applicants' election of Species III, and the Examiner's indication that claims 13 and 20 relate to a non-elected species. However, Applicants note that they reserve the right to pursue such cancelled claims in one or more divisional and/or continuation cases relating to the present application.

In the Official Action, the Examiner rejected claims 1-12, 14, 16-19, 21, 22, 34-38 and 40-42 under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,135,189 to Weinreich ("Weinreich"). In short, in the Examiner's opinion, Weinreich discloses a window blind assembly having a headrail 12, a tube 32, a motor 38 (as to which the Examiner makes special note of col. 3, lines 19-22 of Weinreich), a bottom rail 14, a window covering 20, and first and second lift cords 22 and 114. In addition, the Examiner asserts that Weinreich teaches first and second guides 112 that are capable of directing the legs of lift cords 22 and 114 in the direction away from tube 32, toward a different end of tube 32 and bottom rail 14, and a threaded support rod 60, 65. Further, the Examiner has noted that inasmuch as Weinreich discloses each feature of Species VI, wherein Applicants have stated for the record that Species II, IV, V are not patentably distinct from Species VI, those claims directed to Species III, IV, V are by Applicants' admission obvious variants over Species VI, and as

such, fail to define patentable subject matter. The following sets forth Applicants' position regarding the foregoing.

With regard to independent claim 14, it is first noted that such claim, as originally presented, was directed to a cordless window blind assembly reciting only a headrail and a bottom rail, with window covering material extended therebetween. In the present communication, independent claim 14 has been amended to include the further limitation of "an intermediate rail suspended below said headrail and positioned between said headrail and said bottom rail," so that such claim now relates to a cordless window blind assembly for a bottom up top down type window blind assembly. This is similar to the previously presented and currently pending independent claims 1 and 34, and something clearly shown in the embodiments shown in Figures 50-53 of the present invention, and in particular, Figure 53 of Species VI. As such, all three currently pending independent claims now relate to a bottom up top down type assembly, something which is not taught nor suggested by the Weinreich reference.

Specifically, as is stated in the abstract of Weinreich, that reference is directed to a mechanism for constant balance of a window blind which is "maintained by providing a lifting force, preferably from a spring, through a mediating mechanism comprising a valuable pitch screw assembly, such that the mechanical advantage of the mediating mechanism changes to allow the continuously decreasing spring force to apply and appropriate lifting force at all times." Abstract, lns. 2-7. At no point in the disclosure of Weinreich is a bottom up top down type design for the window blind assembly taught therein or even suggested. Thus, the recitation of the intermediate rail limitation in each of the currently pending independent claims 1, 14 and 34, relates to something novel in light of the prior art, especially Weinreich. As such,

Applicants respectfully submit that the Weinreich reference should not be applied to the currently pending claims, and given that no other more pertinent references have been cited in the Official Action, such claims should be moved into a condition of allowance.

Therefore, in light of all of the above, it is respectfully requested that independent claims 1, 14 and 34 be moved into a condition for allowance. As dependent claims 2-12, 16-19, 21, 22, 35-38 and 40-42 properly depend upon one of the aforementioned independent claims, it is also respectfully requested that such claims be moved into a condition for allowance. A dependent claim is necessarily narrower than its corresponding independent claim. Thus, Applicants respectfully request allowance of claims 1-12, 14, 16-19, 21, 22, 34-38 and 40-42.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: April 18, 2006

Respectfully submitted,

By   
Kevin M. Kocun  
Registration No.: 54,230  
LERNER, DAVID, LITTENBERG,  
KRMHOLZ & MENTLIK, LLP  
600 South Avenue West  
Westfield, New Jersey 07090  
(908) 654-5000  
Attorney for Applicants

648996\_1.DOC